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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/654,116	09/03/2003	Theodore Robert Tester		3997
31823	7590	05/03/2005	EXAMINER	
OFFSHORE DATA SERVICES LLC			GARY, ERIKA A	
172 MIDDLE HADDAM ROAD			ART UNIT	PAPER NUMBER
PORTLAND, CT 06480			2681	

DATE MAILED: 05/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/654,116	TESTER, THEODORE ROBERT	
	<b>Examiner</b>	<b>Art Unit</b>	
	Erika A. Gary	2681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 03 September 2003.

2a) This action is **FINAL**.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-16 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Objections***

1. Claim 3 is objected to because of the following informalities: on line 3 of the claim, "to the third party" should be "to a third party". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seiple et al., US Patent Number 6,222,484 (hereinafter Seiple) in view of Kah, Jr., US Patent Number 5,357,254 (hereinafter Kah).

Regarding claim 1, Seiple discloses a personal flotation device communication apparatus for automatically communicating with a boat base station and a network control center [col. 8: lines 3-7], the apparatus comprising: a personal flotation device transceiver system; a communication means for connecting said personal flotation device transceiver system to said boat base station system [fig. 2a]; a boat base station [col. 3: lines 65-66]; a boat base station system database accessible by said boat base station system [col. 8: lines 16-29; col. 9: lines 1-4]; a network control center system [col. 3: lines 10-12]; a network control center system database accessible by said

network control center system [inherent]; a communication means for connecting said boat base station system to said network control center system [col. 3: lines 10-12]; a tertiary algorithm transmitted by said boat base station system to said network control center system, the tertiary algorithm including: a unique identification code for identifying the personal flotation device transceiver; a location of the personal flotation device transceiver; a unique identification code for identifying the boat; a location of the boat; a timestamp; and a status code [col. 3: lines 10-12; col. 4: lines 52-55; col. 5: line 50 – col. 6: line 5]; a secondary algorithm transmitted by said personal flotation device system to said boat base station system, the secondary algorithm including: a unique identification code for identifying the boat; a unique identification code for identifying the personal flotation device transceiver; a location of the personal flotation device transceiver; a timestamp; and a status code [col. 5: lines 28-40; col. 10: lines 21-33]; and a primary algorithm transmitted by said personal flotation device system to said boat base station system, the primary algorithm including: a unique identification code for identifying the boat; a unique identification code for identifying the personal flotation device transceiver; a timestamp; and a status code [col. 6: lines 55-58]; wherein an event corresponding with the personal flotation device triggers said secondary algorithm to be automatically transmitted by said personal flotation device transceiver system to said boat base station system, and said tertiary algorithm is automatically transmitted by said boat base station system to said network control center system [col. 2: lines 35-55].

What Seiple does not specifically disclose is that the triggering event is a wireless communication connection interruption between the personal flotation device

transceiver system and the boat base station system. However, Kah teaches this limitation.

Kah discloses a location monitoring system wherein a distress condition is transmitted upon an interruption in communication between a personal flotation device system and a boat base station system [col. 1: lines 27-54; col. 7: lines 3-12].

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Seiple to include Kah. The motivation for this combination would have been to provide a means to send the distress signal without user intervention.

Regarding claim 2, Seiple discloses means for connecting a third party to said network control center system [col. 3: lines 7-12].

Regarding claim 3, Seiple discloses a notification/communication signal transmitted by said network control center system to a third party for notifying the third party that an emergency situation has occurred involving said personal flotation device transceiver system and said boat base station system [col. 3: lines 7-12].

Regarding claim 4, Seiple discloses a unique identification code for identifying the boat [col. 4: lines 52-55]. Further, it is obvious to include the hull number of the boat on which the boat base station system is installed in the identification code to identify the specific boat.

Regarding claim 5, Seiple discloses the location of the personal flotation device transceiver comprises a longitude and latitude of said personal flotation device transceiver system [col. 5: lines 12-14].

Regarding claim 6, Seiple discloses the boat base station system utilizes a video display as a user interface [col. 8: lines 15-24].

Regarding claim 7, it is inherent that the network control center system would utilize a video display as a user interface.

Regarding claims 8, 9, and 11, the Examiner takes Official Notice that it is well known in the art to utilize audio signals as a user interface in systems that include transceiver components.

Regarding claim 10, the Examiner takes Official Notice that it is well known in the art to include a metering means for charging a user account as it is known to charge for location services.

Regarding claims 12-15, the Examiner takes Official Notice that it is well known in the art for communication means to comprise a wireless Internet connection including a wireless Mobile Virtual Network depending on the desired bandwidth and connectivity of the system.

Regarding claim 16, Seiple discloses the location of the boat on which said boat base station is installed comprises a longitude and latitude of the boat on which said boat base station system is installed [col. 3: lines 3-7].

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Rowland et al., US Patent Number 4,813,025, disclose a safety alert and locating system.

Landa et al., US Patent Number 5,886,635, disclose an overboard alarm with localization system interface.

McClure et al., US Patent Number 6,439,941, disclose an automated fail-safe sea rescue flotation system.

Piri et al., US Patent Number 6,545,606, disclose a device and method for alerting to the need to recover something, identifying it, and determining its location for purposes of recovery.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
April 27, 2005



ERIKA A. GARY  
PRIMARY EXAMINER